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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,391	01/06/2004	William A. Allen	02103-0581001/W35	3571
26162	7590	04/26/2011		
FISH & RICHARDSON PC			EXAMINER	
P.O. BOX 1022			BROWN, VERNAL U	
MINNEAPOLIS, MN 55440-1022			ART UNIT	PAPER NUMBER
			2612	
NOTIFICATION DATE		DELIVERY MODE		
04/26/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[PATDOCTC@fr.com](mailto:PATDOCTC@fr.com)

<b>Office Action Summary</b>	<b>Application No.</b> 10/752,391	<b>Applicant(s)</b> ALLEN ET AL.
	<b>Examiner</b> VERNAL U. BROWN	<b>Art Unit</b> 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 February 2011.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2,3 and 9-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2,3 and 9-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-444)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No./Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No./Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

This office action is in response to communication filed 2/15/11.

### **Response to Amendment**

The examiner acknowledges the amendment of claims 2-3 and the cancellation of claim 1, 6-8.

### **Allowable Subject Matter**

The indicated allowability of claims 9-12 is withdrawn in view of the newly discovered reference(s) to Lasky US Patent 6367078. Rejections based on the newly cited reference(s) follow.

### **Response to Arguments**

Applicant's arguments with respect to claims 2-3 and 9-12 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lasky US Patent 6367078.

Regarding claim 9, Lasky teaches a method comprising enabling a user of a control device to indicate a value of a possible new preset of a sound signal source by inputting a channel selection (col. 1 lines 55-58). Lasky teaches while the new values has been indicated but before the indication has been confirmed to change an operation of another device such as the video display generator which overlays the a graphical representation of the channel number on the video of the selected channel (col. 1 lines 60-65). Lasky teaches the newly channel selection is presented to the video display generator for a few seconds to allow the viewer to confirm the selection (col. 1 line 65-col. 2 line 2).

Regarding claim 2, Lasky teaches the preset is a channel number provided by a television distribution network (col. 1 lines 55-58) and channel number of a television distribution network inherently includes a sound source.

Regarding claim 10, Lasky teaches inputting a channel selection (col. 1 lines 55-58) and the examiner considers the channel number as the identifier of a station.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky US Patent 6367078 in view of Sgambati et al. US Patent Application Publication 20020057207.

Regarding claim 3, Lasky is not explicit in teaching the multi-media system comprises an audio system. Sgambati et al. in an analogous art teaches a multimedia system comprising an audio system (paragraph 019).

It would have been obvious to one of ordinary skill in the art to have an audio system in the mulit-media system of Lasky because the system of Lasky represents a home entertainment system and a home entertainment system conventionally includes an audio system in order to provide various sources of entertainment to the users.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky US Patent 6367078 in view of Sass et al. US Patent 6769028.

Regarding claims 11-12, Lasky is silent on teaching the station comprises a radio station and the other device comprises a radio receiver. Sass et al. in an analogous art teaches selecting a radio station and teaches a radio receiver (col. 5 lines 9-15, col. 11 lines 42-45). Lasky also teaches the sound signal source comprises a source of items to be performed (pre-roll messages), the source being configured to store the items for performance in response to the preset (col. 11 lines 42-45).

It would have been obvious to one of ordinary skill in the art to modify the system of Lasky as disclosed by Sass et al. because the system of Lasky represents a home entertainment system and a home entertainment system generally include a radio receiver and a means for selecting a radio station channel.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/  
Primary Examiner, Art Unit 2612

/Brian A Zimmerman/  
Supervisory Patent Examiner, Art Unit 2612